THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 18589 of 2006

O r d e r:

The petitioner, who applied for the post of Apprentice Development Officer in response to an Employment Notice, issued by the respondent-Life Insurance Corporation, has filed this writ petition assailing the action of the respondent in conducting common written test to outsider and in-service candidates, in conducting the written test in two batches, one in the forenoon between 10.00 A.M. to 12.00 P.M. and the other in the afternoon from 2.00 P.M. to 4.00 P.M., and consequently direct the respondent to conduct different written tests for outsiders and LIC employees and Agents, by restricting the posts to LIC employees and agents by 50%, and to direct the respondent to conduct the written test in single phase.

The learned counsel for the petitioner submitted that since 25% of the questions asked in the question paper of the written test consisted of questions relating to history and policies of LIC, outsiders would not be in a position to answer them properly, and as such, the action of the respondent in conducting common written test to outsiders and employees of LIC and the agents, is illegal and arbitrary, and prayed that the respondent be directed to set two different papers for outsiders and employees of LIC and the agents and also restrict the posts to employees of LIC and the agents by 50%. He submitted that the action of the respondent in conducting the written test in two phases, one in the forenoon and the other in the afternoon, is illegal and arbitrary, for there is possibility of those appearing for the written test in the afternoon, to interact with the candidates who appeared for

the written test in the forenoon and have an edge over the candidates who appeared for written test in the forenoon. He, hence prayed that the respondent be directed to conduct the written test in one single phase.

The learned Standing Counsel for the respondent-Life Insurance Corporation submitted that the written test having been conducted, results are awaited. He submitted that it is for the respondent-Life Insurance Corporation to conduct the written test in the manner as it deems fit, and the petitioner cannot dictate the respondent to conduct the written test in a particular manner, suitable to him, and thus prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Life Insurance Corporation.

The written test for recruitment to the post of Apprentice Development Officer, was conducted by the respondent on 20.08.2006, and the results are awaited. The petitioner, who appeared for the written test as an outside candidate, though filed this writ petition on the grounds stated above, did not seek cancellation of the written test. Be that as it may, in what manner the written test has to be conducted, whether in a single phase or two phases or more number of phases, is a matter for the respondent to decide, which depends upon the number of candidates appearing for the rest, the availability of written test centers, logistic support etc. Unless identical question paper, relating to the written test, is given to all the candidates, irrespective of whether they appeared in the forenoon or in the afternoon, the petitioner cannot be allowed to assail the action of the respondent in conducting the written test in two phases. According to the own admission of the petitioner, two different sets of question papers were given to those who appeared in the forenoon and

afternoon, but setting two different questions papers – one for those who appeared in the forenoon and the other for those who appeared in the afternoon, and when such is his case, he cannot be allowed to contend that the candidates who appeared for the written test in the afternoon, would have an edge over the candidates who appeared for the written test in the forenoon, because they had the possibility interacting with the candidates who appeared for the written test in the forenoon. In that view of the matter, the action of the respondent in conducting the written test in two phases – one in the forenoon and the other in the afternoon.

So far as the contention of the petitioner that separate question papers should be set for outsiders and in-service candidates, for 25% of the questions asked relate to history and policies of LIC, is concerned, the petitioner cannot expect the examiner to set the question paper in a particular manner. It is for the examiner to decide as to what type to questions should be asked to the candidates appearing for the written test. Merely because 25% of the questions asked in the question paper relating to the written test, relate to history and policies of LIC, which the outsiders may not be in a position to answer properly, is not a ground for the petitioner to seek a direction to the respondent to set two different question papers – one for outsiders and the other for employees of LIC and agents. Given the nature of post applied for by the petitioner, namely Apprentice Development Officer, the petitioner is expected to prepare himself for appearing in the written test boldly, and he having appeared for the written test, now cannot be allowed to contend that since some question, relating to history and policies of LIC, were asked, which he could not answer properly, separate papers should be set to both outsiders and in-service candidates, and the recruitment of in-service candidates to the

notified posts should be restricted only to 50%.

The writ petition is devoid of merit, and the same is accordingly dismissed.

N.V. RAMANA, J.

Date: 14th September, 2006.
KSR